

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 578 - SB 667

March 23, 2009

SUMMARY OF BILL: Increases the penalty from a Class A misdemeanor to a Class E felony for a driver, involved in an accident resulting in injury or death, to leave the scene without providing the required information. Under current law, it is a Class E felony for a driver involved in an accident to leave the scene if the driver knew or should have known that the accident resulted in death.

ESTIMATED FISCAL IMPACT:

Increase State Revenue – Not Significant

Increase State Expenditures - \$15,321,200/Incarceration*

Decrease Local Revenue – Not Significant

Decrease Local Expenditures – Not Significant

Assumptions:

- According to the Administrative Office of the Courts, there has been an average of 52 state court convictions for Class A misdemeanors for leaving the scene of an accident in each of the past five years. State court convictions are 10 percent of the total convictions. Total convictions, including general sessions courts, are estimated to be an average of 520 per year.
- Twenty-five percent (130) would already be sentenced to a Class E felony for leaving the scene of an accident and knowing that the accident resulted in death. The remaining 75 percent (390) would be sentenced to a Class E felony rather than a Class A misdemeanor as a result of this bill.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in 41 additional offenders. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 431 offenders.
- According to the Department, the average post-conviction time served for a Class E felony is 1.63 years. The cost per offender at 1.63 years is

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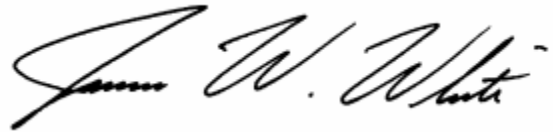
\$35,548.11 (\$59.80 x 594.45 days). The total additional operating cost for 431 offenders is \$15,321,235.41 (\$35,548.11 x 431).

- The increase in classification for some offenses from a Class A misdemeanor to a Class E felony would result in a slight decrease in the number of prosecutions in general sessions courts. The decrease in revenue and expenditures to local government will not be significant.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc